

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONALD KEITH BISHOP,)	
)	
Petitioner,)	
vs.)	NO. CIV-08-1358-HE
)	
ERIC FRANKLIN, Warden,)	
)	
Respondent.)	

ORDER


Petitioner, a state prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. § 2254 seeking habeas relief. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bana Roberts, who has recommended that the petitioner's motion to proceed *in forma pauperis* be denied. She also recommended that, unless the petitioner paid the \$5 filing fee in full by January 12, 2009, the action be dismissed without prejudice.

The plaintiff failed to comply with the magistrate judge's order to pay the \$5 filing fee. He also failed to object to the Report and Recommendation, thereby waiving his right to appellate review of the issue it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1.

Accordingly, the court adopts the Report and Recommendation of Magistrate Judge Roberts, denies the petitioner's motion to proceed *in forma pauperis* [Doc. #2] and dismisses this action without prejudice.

IT IS SO ORDERED.

Dated this 16th day of January, 2009.



JOE HEATON
UNITED STATES DISTRICT JUDGE